

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 15285 of Peter and Romaine Robinson, pursuant to 11 DCMR 3107.2, for a variance from the width of lot requirements (Sub-section 401.3) for construction of a single-family dwelling in an R-1-A District at premises 1799 Sycamore Street, N.W., (Square 2759, Lot 13).

HEARING DATE: April 25, 1990  
DECISION DATE: May 2, 1990

FINDINGS OF FACT:

1. The subject site is located on the north side of Sycamore Street, N.W. between Tulip Street and Beach Drive. It is known as premises 1799 Sycamore Street, N.W. and it is located in an R-1-A District.

2. The site is currently unimproved and contains 8,039 square feet of land area and an average of 70 feet in width. The property is covered with trees, shrubbery and undergrowth. The grade of the property is difficult because of a steep incline from the front of the property to the rear. The property is also irregular in shape. From the front to the rear of the lot it is rectangularly shaped and it skews at the rear to form a small triangle.

3. The area immediately surrounding the site is characterized by single family detached dwellings. These dwellings vary in design, including colonial, rambler, split level and contemporary styles. There is no alley abutting the lot.

4. The applicants propose the construction of a two-story with basement single-family dwelling. The proposed structure will be 44 feet wide and will occupy 2,328 square feet of land area. The house will have a wood frame and a wood and brick exterior.

5. In the R-1-A District, lots are required to be 75 feet in width. The applicants are requesting a five-foot variance from the width of lot requirements to allow the proposed construction. The structure, as proposed in the revised plans, will meet all other requirements of the Zoning Regulations. Without the variance, no structure can be placed on the property.

6. The majority of the lots in the vicinity of the subject site, are only 70 feet in width. Subdivision of the subject lot, with its existing size and width, occurred prior to the 1958 enactment of the current Zoning Regulations.

7. The house will be of a contemporary design. It will be

designed to accommodate the difficult grade and to preserve as many trees as possible. The house will have a flat roof to keep it low in appearance. There will be terraces and balconies to break up the mass and give the structure a layered effect. A driveway and two car garage will be located on the site. The design as proposed will be compatible with the variety of homes located in the area.

8. The Office of Planning (OP), by memorandum dated April 18, 1990, and through testimony at the hearing, recommended approval of the application. OP noted the dimensions and character of the lot, the applicants' proposal and the surrounding uses. OP noted that subdivision of the lot predated the Zoning Regulations. OP indicated that the property is land locked, making it impossible to increase the lot width. OP pointed out that the proposed construction will meet all other zoning requirements for the R-1-A District including lot occupancy, height, rear yard, and side yard requirements.

In the opinion of the Office of Planning, the relief requested is minor and, if granted, would result in a development that is not inconsistent with the general characteristics of the immediate neighborhood, and would not adversely affect the surrounding area. OP is of the opinion that the proposed construction would contribute positively towards the complete development of the square and would enhance the existing residential character of the neighborhood. Approval of the application is therefore recommended.

9. Advisory Neighborhood Commission 4A did not file a timely report with the Board, nor was a representative present to testify at the hearing.

10. No one with an interest in the application testified in support of the application. Three neighbors testified in opposition to the requested relief.

11. A neighbor residing at 1841 East Beach Drive, N.W. stated that removal of the trees will make the area less beautiful and will be detrimental to the soil and environment. In her view, to construct a home on the subject property will decrease the property value of her own home and will have a negative impact on the aesthetics of the nearby area.

12. The neighbor who resides at 1908 Tulip Street, N.W. pointed out that the new house will be visible from his back porch or patio. He expressed a concern about how the rear of the structure will be treated.

13. A neighbor residing at 1837 Redwood Terrace, N.W. expressed a number of concerns. She stated that the house will

depreciate property values in the area economically and aesthetically because the area will be more congested and less tranquil; that the sale price is far higher than the value of other properties on the block; and that the style of the house is incompatible with the neighborhood.

14. In response to the neighbors' concerns, the applicants noted that the rear of the structure will be made of brick and wood and that the contemporary design of the house will be compatible with the mixture of houses presently existing in the area.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing Findings of Fact and evidence of record, the Board concludes that the applicants are seeking an area variance to allow the construction of a single-family dwelling. The granting of such a variance requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographical conditions. The Board further must find that granting the requested relief will not be of substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan.

The Board concludes that the applicant has met this burden of proof. In the Board's opinion, the 70-foot wide lot is a unique condition which creates a practical difficulty for the owners in developing the property in compliance with the Zoning Regulations. Without variance relief, the property cannot be developed.

The Board concludes that the construction of a large, contemporary home that meets the other zoning requirements will not be of substantial detriment to the public good.

Finally, the Board concludes that to grant the relief requested will not substantially impair the intent and purpose of the zone plan.

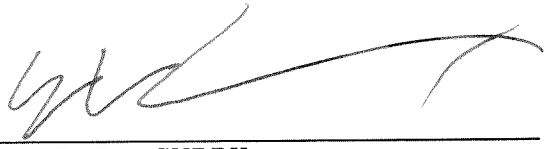
Accordingly, it is ORDERED that the application is hereby GRANTED.

VOTE: 4-0 (Charles R. Norris, Carrie L. Thornhill and William F. McIntosh to grant; Tersh Boasberg to grant by proxy; Paula L. Jewell abstaining).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

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ATTESTED BY:

  
EDWARD L. CURRY  
Executive Director

FINAL DATE OF ORDER: MAR 18 1991

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHT ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15285Order/TWR/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



APPLICATION NO. 15285

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a letter has been mailed to all parties, dated MAR 18 1991 and mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and to is listed below:

Mr. & Mrs. Peter Robinson, Jr.  
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Steven Kramer  
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Claudia Rayford  
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Joseph S. Street  
1908 Tulip Street, N.W.  
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A handwritten signature in dark ink, appearing to read "E. L. Curry", written over a horizontal line.

EDWARD L. CURRY  
Executive Director

DATE: MAR 18 1991

ATT. 3/BHS